

SENATE RECORD VOTE ANALYSIS

104th Congress
2nd Session

Vote No. 259

July 31, 1996, 4:58 pm
Page S-9254 Temp. Record

NUCLEAR WASTE/Final Passage

SUBJECT: Nuclear Waste Policy Act of 1996 . . . S. 1936. Final passage, as amended.

ACTION: BILL PASSED, 63-37

SYNOPSIS: As amended and passed, S. 1936, the Nuclear Waste Policy Act of 1996, will provide for the interim and permanent storage of spent nuclear fuel and high-level radioactive waste. Spent fuel and waste from the Federal Government and from commercial nuclear power plants will be transferred from temporary storage sites located in 41 States to the Yucca Mountain site. Details are listed below.

- Transportation: the Department of Energy will be responsible for the transportation of nuclear waste; only Nuclear Regulatory Commission (NRC)-approved containers will be used; State and local governments will be given advance notice of shipments; the Hazardous Materials Transportation Act will apply to all shipments; and the Department of Energy will be responsible for training workers, though the Transportation Department may require additional training (see vote No. 256).

- Interim storage: construction of the interim storage facility will not commence before December 31, 1998; the interim storage facility will begin storing waste by November 30, 1999, unless the President before December 31, 1998 determines that the Yucca Mountain site is unsuitable for a permanent repository; if that determination is made, the President will have 18 months to designate an interim storage facility site; if he fails to designate a site, or if Congress fails to approve a site he has designated within 2 years of his determination, then construction will begin at Yucca Mountain of an interim storage facility; within 12 months of the date of enactment, the Secretary of Energy will apply for a license for the first phase of the interim storage facility, which will have a capacity of not more than 15,000 metric tons; not more than 30 months after the date of enactment, the Secretary will apply for a license for the second phase of the facility, which will have a storage capacity of 40,000 metric tons; and the Nuclear Regulatory Commission (NRC) will prepare an Environmental Impact Statement in accordance with the National Environmental Policy Act, though it will not consider alternative sites (for related debate, see vote No. 258).

- Permanent repository: the Department of Energy will apply to begin construction of the permanent repository at Yucca Mountain by December 31, 2002, unless it determines that the site is unsuitable; and the repository will not release radioactivity at

(See other side)

YEAS (63)			NAYS (37)			NOT VOTING (0)	
Republicans (50 or 94%)		Democrats (13 or 28%)	Republicans (3 or 6%)		Democrats (34 or 72%)	Republicans (0)	Democrats (0)
Abraham	Inhofe	Graham	Campbell	Akaka	Ford		
Ashcroft	Jeffords	Harkin	Chafee	Baucus	Glenn		
Bennett	Kassebaum	Heflin	Coats	Biden	Inouye		
Bond	Kempthorne	Hollings		Bingaman	Kennedy		
Brown	Kyl	Johnston		Boxer	Kerrey		
Burns	Lott	Kohl		Bradley	Kerry		
Cochran	Lugar	Leahy		Breaux	Lautenberg		
Cohen	Mack	Levin		Bryan	Lieberman		
Coverdell	McCain	Moseley-Braun		Bumpers	Mikulski		
Craig	McConnell	Murray		Byrd	Moynihan		
D'Amato	Murkowski	Nunn		Conrad	Pell		
DeWine	Nickles	Robb		Daschle	Pryor		
Domenici	Pressler	Simon		Dodd	Reid		
Faircloth	Roth			Dorgan	Rockefeller		
Frahm	Santorum			Exon	Sarbanes		
Frist	Shelby			Feingold	Wellstone		
Gorton	Simpson			Feinstein	Wyden		
Gramm	Smith						
Grams	Snowe						
Grassley	Specter						
Gregg	Stevens						
Hatch	Thomas						
Hatfield	Thompson						
Helms	Thurmond						
Hutchison	Warner						

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
AN—Announced Nay
PY—Paired Yea
PN—Paired Nay

a maximum annual dose to an average member of the general population in the vicinity of Yucca Mountain in excess of 100 millirems; the Environmental Protection Agency will apply a stricter standard if a stricter standard is necessary (see vote No. 256).

Those favoring final passage contended:

S. 1936 addresses the very urgent environmental problem of the storage of high-level nuclear waste. Spent, extremely toxic nuclear fuel is stored at temporary sites in 41 States at more than 80 locations. Most of those sites are nearly full; many of them hold decades-worth of waste; many of them are in highly populated areas; many of them are in places in which, if the storage facilities were damaged, the waste could spread. This waste is not going to be extremely deadly for a few years--it is going to be deadly forever. Given these facts, the universal opinion has developed that spent nuclear fuel should be moved to a single, well constructed, well maintained, and well defended site. Tens of metric tons of the most toxic substances known to man should not be kept scattered at sites around the country, many of them heavily populated, in storage facilities that were never meant to be more than temporary. Fourteen years ago Congress passed a law to require the building of a permanent repository for spent nuclear fuel. That law has yet to be implemented, and there is no guarantee that it is going to result in the construction of a permanent facility in the near future. This bill will solve that problem by moving the waste to a single interim storage site in Nevada (Yucca Mountain) that has been used for nuclear testing for the past 50 years. More than 500 nuclear tests have been conducted at that site, and those tests have released nuclear waste directly into the environment. All of the Nation's nuclear waste will be put in a safe, impermeable facility that is in this area that has already been contaminated by 500 nuclear tests.

Several arguments have been raised against building an interim facility, but none of those arguments holds up under examination. One argument that has been raised is that it will be dangerous to move nuclear waste. In response, nuclear waste is moved in NRC-approved casks that are specially designed to survive the most severe accidents. Over the years, there have been a few accidents involving the vehicles carrying this waste, but no radiation leakage has occurred. The safety record in moving nuclear waste has been perfect, which is a lot more than can be said for the record of moving other hazardous substances. In total, more than 2,500 shipments of used commercial and naval nuclear fuel have been shipped over the last 30 years. Experts agree that nuclear waste can be shipped safely--the International Association of Fire Chiefs has endorsed S. 1936. Another criticism that is made is that the proposed interim facility will be hazardous to the environment because it will waive environmental laws. This criticism is also wrong. The bill will waive the requirement to consider alternatives to storing waste at the Nevada site, but other than that environmental laws will be followed. Alternatives will not be considered because they have already been exhaustively considered over the past 15 years. Right down the line, the criticisms against this bill are without merit.

The Senators from Nevada have led a vigorous and understandable campaign to defeat this bill. We do not fault them for their opposition, but we do fault the Clinton Administration. For the past year and a half we have tried to get the Administration to work with us to resolve this issue, but our suggestions of cooperation have been ignored. Now a veto threat has been issued. President Clinton does not have a parochial interest in this issue--it is a national problem and he has a responsibility to either support this solution or come up with an alternative solution. The choice is clear. We can have one safe, remote, storage facility, or, through inaction and delay, we can perpetuate the status quo and have 80 such sites spread across the Nation. It is irresponsible to shirk our responsibility to protect the environment and the future for our children and grandchildren. This Nation needs to confront its nuclear waste problem now. We urge our colleagues to vote for final passage of S. 1936.

Those opposing final passage contended:

S. 1936 will require the unsafe transportation of highly dangerous radioactive waste to a single storage site for which all environmental laws have been waived, and it will do so on the false claim that there is not enough room to store the waste where it is now. First, there is no safe way to transport nuclear waste. The casks in which it is carried are safe in accidents only up to 30 miles per hour. Also, they are only guaranteed to withstand temperatures of 1,480 degrees for a half hour. Diesel fuel burns as high as 3,200 degrees Fahrenheit, with an average burning temperature of 1,800 degrees, and fires often last for more than 30 minutes. Second, this bill will waive any and all environmental laws that conflict with the bill's requirements. Every storage site in the United States has complied with those laws; we see no excuse for exempting these interim and permanent storage sites. Third, there is no immediate need to move this waste. According to the Nuclear Waste Technical Review Board (an independent board established by Congress), there is no technical or safety reason to move spent fuel to an interim central storage facility for the next several years because adequate at-reactor storage space is still available. Moving nuclear waste in an unsafe manner to an unsafe location when there is no need to move it at all just does not make sense. We thus oppose final passage.